

AN ORDINANCE 2006-08-31-0963

AMENDING CHAPTER 6, BUILDINGS, ARTICLE V, MECHANICAL CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE; PROVIDING FOR LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Department of Development Services currently enforces the 2003 edition of the Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials and the local amendments thereto; and

WHEREAS, the 2006 edition of the International Mechanical Code (IMC) has been published; and

WHEREAS, the Mechanical Board of Appeals and city staff have conducted public meetings regarding the adoption of the 2006 IMC and local amendments thereto; and

WHEREAS, the members of the Mechanical Board of Appeals and the Department of Development Services recommend approval and adoption of the 2006 IMC and local amendments; and

WHEREAS, all prerequisites required by state statute and the City Charter for adoption of this code and its amendments have been satisfied; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO

SECTION 1. Chapters 1 through 9, 11, 12, 14 and 15 of the 2006 International Mechanical Code (IMC) are hereby adopted to replace the 2003 Uniform Mechanical Code. The 2006 International Mechanical Code is incorporated herein as fully as if set out at length. Chapter 6, Section 6-66 of the City Code of San Antonio, Texas is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 6-66. Uniform International Mechanical Code adopted.

Chapters 1 through 9, 11, 12, 14 and 15 of the 2006 ~~The 2003~~ edition of the International ~~Uniform~~ Mechanical Code, published by the International Code Council, Inc. Conference of Building Officials, with new local amendments, is hereby adopted as the heating, ventilating, cooling and refrigeration code of the

city from the effective date hereof and shall govern all activities specified therein within the city. ~~Three (3) copies of the Uniform Mechanical Code, are incorporated herein by reference and have been filed in the office of the city clerk pursuant to section 17 of the City Charter for permanent record and inspection.~~

SECTION 2. Chapter 6, Article V, of the City Code of San Antonio, Texas, is hereby amended by adding local amendments to the IMC. Changes are delineated by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 6-67. Amendments.

~~Certain amendments, additions and deletions to the Uniform Mechanical Code are hereby adopted and the following sections of the Uniform Mechanical Code, 2003 edition, are hereby added and/or amended to read as follows:~~

Section 101.2 Scope of the International Mechanical Code is amended to read as follows:

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment; and fuel gas-fired appliances shall be regulated by Chapter 24, entitled "Plumbing" of the City Code of San Antonio. ~~and The installation of fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code Chapter 24 of the 2006 edition of the International Residential Code as amended.~~

Exception: Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

Sections 103 and 103.1 of the International Mechanical Code are amended as follows:

SECTION 103
DEPARTMENT OF DEVELOPMENT SERVICES MECHANICAL
INSPECTION

103.1 General. The Department of Development Services Building Safety ~~shall be the enforcement agency for the International Mechanical Code is hereby created,~~ and the director ~~official in charge~~ thereof shall be known as the code official and the building official.

Section 107.2.3 of the International Mechanical Code is amended to read as follows:

107.2.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing. To obtain reinspection or retest, the applicant shall make a request to the building official and pay the reinspection fee in accordance with the fee schedule prior to the inspection or test.

Sections 109.1 and 109.1.1 of the International Mechanical Code are amended to read as follows:

109.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the Mechanical Appeals and Advisory Board ~~board of appeals~~. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Department of Development Services ~~code official~~ within 20 days after the notice was served.

109.1.1 Limitation of authority. The Mechanical Appeals and Advisory Board ~~board of appeals~~ shall have no authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.

Section 109.2 and Sections 109.2.1 through 109.2.6 of the International Mechanical Code are repealed and replaced in their entirety with new *Section 109.2 and Sections 109.2.1 through 109.2.6* to read as follows:

109.2 Membership of board. The Mechanical Appeals and Advisory Board shall consist of eleven appointed members residing in the city. The appointive members will consist of one licensed mechanical contractor, two licensed mechanical technicians, one of whom shall represent the open shop segment of the industry and one of whom shall represent the union segment, two professional engineers, one commercial refrigeration contractor, one manufacturer's representative or distributor of refrigeration, heating or air conditioning equipment, one licensed architect, and three lay persons (consumer representatives). Limit of a term of office is not to exceed two years. Limit of three consecutive 2-year terms.

109.2.1 Function. The Mechanical Appeals and Advisory Board shall serve as an advisory board to the Department of Development Services and to the city council on the administration of this code and may, from time to time, recommend amendments to this code. In addition, the board shall have the power to suspend or revoke certificates of license. Every appeal

application to the board shall be accompanied by a filing fee as set forth in the fee schedule adopted by the City of San Antonio.

109.2.2 Grounds for removal of members. Any member of the board found guilty of violation of the mechanical code or who fails to perform his duties as a board member shall be removed by a 2/3 vote of the remaining board members. The city manager will be advised of the findings of the board for necessary action. If a board member's attendance at regularly scheduled meetings falls below 50% on an annual basis from the appointment date or a board member misses three regularly scheduled consecutive meetings, the board member will be asked to resign. Absences may be formally excused by the board.

109.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

109.2.4 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

109.2.5 Member not to sit when charges are preferred. Where charges are preferred against a member of the mechanical board of appeals, such member shall not sit as a member of the board during the hearing of the case.

109.2.6 Secretary. The Department of Development Services shall designate a qualified individual to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Director of Development Services.

Section 109.3 of the International Mechanical Code is repealed and replaced in its entirety with new Section 109.3 and Sections 109.3.1 through 109.3.3 to read as follows:

109.3 Notice of meeting.

109.3.1 Frequency of meetings. The board of appeals shall meet quarterly. The board may meet more often when the board deems it necessary. The board shall meet for special cases if specifically called by the chairman, the director of the Department of Development Services, or four other board members, and the members shall be devoted to hearing charges, reviewing applications for licensing, or acting on appeals and complaints received by the director or chief mechanical inspector and any other business as may be brought before such board.

109.3.2 Format. All charges, appeals and complaints shall be presented to the board by the chief mechanical inspector or his authorized representative on forms indicating the identity of the applicant or plaintiff, the section or sections

of the code in question, and a clear statement of the plaintiff's request and his reasons for making said request.

109.3.3 Applications for certificates of license. All applications for certificates of license shall be presented to the board by the chief mechanical inspector or his authorized representative on forms with sufficient information to allow the board to make a proper evaluation of the applicant's qualifications.

Section 109.4 and Section 109.4.1 of the International Mechanical Code are repealed and replaced in their entirety with new Section 109.4 and Section 109.4.1 as follows:

109.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

109.4.1 Procedure. The meeting of the board shall be conducted in conformity with Parliamentary Rules (Robert's Rules of Order), or any other rules under which the board members agree to abide unless otherwise specified in this chapter. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 109.5 of the International Mechanical Code is repealed and replaced in its entirety with new Section 109.5 to read as follows:

109.5 Postponed hearing and quorum. Six members shall constitute a quorum. When six members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. The vote of a majority of the members present shall be necessary for the adoption of any matter, except as otherwise provided in this amendment. Each member of the board shall have one vote. Should the chairman form subcommittees, their makeup shall be not more than five members.

Section 109.6 and Sections 109.6.1 and 109.6.2 of the International Mechanical Code are amended to read as follows:

109.6 Board decision on appeals. The board shall modify or reverse the decision of the code official by a concurring vote of the majority of members present once a quorum has been established.

109.6.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

109.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

Section 109.7 of the International Mechanical Code is repealed and replaced in its entirety with *Section 109.7 and Sections 109.7.1 through 109.7.3* as follows:

109.7 Board suspension and revocation of license. The board shall have the power to suspend or revoke the certificate of license of any person who is found guilty of the following:

1. Committing an offense in another state, county or city which, if committed in this city would be grounds for suspension or revocation;
2. Is an habitual violator of this chapter (habitual shall mean three or more separate violations);
3. Performed mechanical work that is in violation of this chapter, and then failed or refused to make corrections necessary for the work to conform to this chapter;
4. Performed mechanical work that is in violation of this chapter, and such work is found to be the cause or a contributing cause of a fire, whether or not there is any actual damage or loss;
5. The practice of any fraud or deceit in obtaining and using such license, or taking out mechanical permits in the name of some person not authorized by law to do mechanical work and thereafter permitting a person without a proper certificate of license to do the work, or
6. Any intentional violation of the mechanical code in the performance of mechanical work within the city.

109.7.1 Notification procedure. In determining such charges, the board shall proceed upon the sworn information furnished by any city inspector or resident of this city who is of sound mind and legal age. Should the board deem the information sufficient to support further action on its part, it shall cause a copy of the board's order and of the information to be served upon the accused by registered mail at least 15 days before the date appointed in the order for the hearing. The accused may appear in person or by counsel, or both, at the time and place named in the order and make his/her defense to the same. The city attorney shall provide counsel for the board. If the accused fails or refuses to appear, the board may proceed to hear and determine the charges by the board

109.7.2 Suspension or revocation of license. An affirmative vote of at least 2/3 of the board members present shall be required for suspension or revocation of license. If the board desires to revoke the party's certificate of license permanently, it shall so state, if not, it shall make provisions for

reinstatement. It shall be unlawful for any person whose rights under a certificate of license have been suspended or revoked by the board to engage in or mechanical work.

109.7.3 Records to be filed. When the board has completed such hearing, it shall cause a record of its findings and decision to be filed with the city clerk, and shall cause a certified copy thereof to be forwarded to the accused.

Section 109 of the International Mechanical Code is amended by adding Section 109.8 as follows:

109.8 Appeals from the board's action. Any action of the mechanical appeals and advisory board may be appealed by written petition for a hearing before City Council. Such petition must be filed with such board and the city clerk within 7 days of the board's action.

Section 110 is added to the International Mechanical Code as follows:

SECTION 110 **SAN ANTONIO MECHANICAL LICENSE**

110.1 Surety bonds. In addition to filing the permit application, any person engaged in the mechanical business shall have on file at the City Clerk's Office a properly executed surety bond in the amount of five thousand (\$5,000) dollars issued and validated by a company duly authorized to do business in the state of Texas.

110.1.1 This bond shall be conditioned for the faithful performance of all work entered upon or contracted for, and in strict accordance and compliance with the terms, requirements and provisions of this code; and further conditioned that the contractor shall without additional cost to the person, firm or corporation for which such contract work is done, correct any defect due to faulty workmanship, materials or non compliance with the provisions of this code. Such corrections shall be accomplished within 72 hours after receipt of notification by the mechanical inspector.

110.1.2 The surety bond company shall include a provision in the surety bond for notification of surety cancellation or reduction in the amount of surety. Such notification shall be given in writing to the city clerk and shall become effective at 12:00 P.M. after five consecutive working days and receipt by the city clerk of such notification of cancellation or reduction in the amount of the surety bond. No permit shall be issued to the principal (contractor) until such time as the surety bond has been revalidated to the amount stated above.

110.1.3 All surety bonds shall terminate on the 31st day of December.

110.2 San Antonio Mechanical License. Any person performing any type of mechanical work in the city of San Antonio shall have in his possession a valid and authenticated mechanical license issued by the director of the Development Service Department of the city of San Antonio, Texas or a valid mechanical license issued by the state of Texas, except as otherwise provided under Section 110.2, Federal or State Law.

110.2.1 Contact information. A licensed contractor must maintain a bona fide company address and telephone to enable the Development Services Department to contact the contractor in case of a job discrepancy. Any person holding a mechanical license shall report to the Development Services Department any change of address and telephone number in order to allow the Development Services Department to maintain accurate license renewal records. All mechanical contractors holding a master's license from the City of San Antonio shall display on both sides of any vehicles being used for or in connection with mechanical installation or service work, a sign depicting the identity of the person, firm or corporation performing the work and the mechanical master's license number issued by the City of San Antonio. The sign shall have the numbers not less than 3" high.

110.2.2 Prerequisites for license. A San Antonio mechanical license may be issued to any person who meets the prerequisites listed below, successfully completes the San Antonio mechanical examination and has the prescribed experience. Any person holding any type of valid license to do mechanical work in the city of San Antonio at the time of adoption of this code shall be deemed qualified to hold the same type of license under this code, except that this section shall not exempt him from any examination and prescribed experience.

110.2.3 Application. An applicant applying for a mechanical license shall complete the application form obtained at the Development Services Department. The application form shall be accompanied by the license fee corresponding to the type of license requested, as set forth in the fee schedule adopted by the city of San Antonio.

110.2.4 Experience. A master license holder must have 5 years of experience. Experience is defined as work performed in the installation and maintenance of heating, ventilating, cooling and refrigeration systems and equipment. The board may consider equivalent work experience, supported by documentary evidence or verifiable hardship cases in assessing the amount of credit allowable to meet the requirements of this code. Documentation substantiating that for a minimum of two of the five years' experience, the applicant has held a city technician license; state air conditioning and

refrigeration contractor's license or worked under a holder of a state air conditioning and refrigeration contractor's license.

110.2.4 Certificate of insurance. Any person applying for a master mechanical license shall present a certificate of insurance issued by an insurance company authorized to do business in the state of Texas, certifying that the applicant is insured to the limits of at \$100,000 public liability insurance per occurrence and \$100,000 property damage liability insurance per occurrence.

110.2.5 Written examination. Any person applying for a master mechanical license shall pass a written examination to be administered at times and places and by persons specified by the building official. Such examination shall be offered at intervals of not greater than once each quarter. Examination fees must be paid prior to taking the examination, in the amounts set forth by the fee schedule adopted by the city of San Antonio. If an applicant for a mechanical license fails to pass the required examination, he shall not be eligible for re-examination for a period of 90 days.

110.2.6 Duplicate Licenses. Any person whose license was destroyed or lost may obtain a duplicate license upon payment of the fee set forth in the fee schedule adopted by the City of San Antonio.

110.2.7 Expiration date of license. All licenses shall expire on December 31 of each year. Licenses shall be renewed prior to expiration date. Each person holding a valid mechanical license shall renew same in sufficient time to have the license renewal form returned to the Development Services Department with the appropriate renewal fee prior to license expiration date. Any person who does not renew his license prior to expiration date must appear before the Mechanical Board of Appeals and show cause why his license should be renewed without taking the required examination. In the event that a person does not renew his license after one year from date of expiration, he shall be required to take an examination as per a new license, and pay the full fee.

110.2.8 Certain acts prohibited. In addition to other provisions of this code, it shall be unlawful for any person to do any of the following acts:

1. To display, cause or permit to be displayed or to have in one's possession any instrument purporting to be licensed for the doing of any mechanical work, knowing such instrument to be fictitious or to have canceled, revoked suspended or altered;
2. To lend or knowingly permit the use of any license for the doing of any mechanical work to any person not entitled thereto, under the provisions of this chapter;

3. To display or represent as one's own a license for the doing of any mechanical work when such license has not been lawfully issued to the person so displaying the same;
4. To fail or refuse to surrender to the building official on demand any license for the doing of any mechanical work, which has been suspended, canceled or revoked as provided for in this chapter.
5. To apply for or have in one's possession more than one current license of the same type provided for in this chapter.
6. To use a false or fictitious name or give a false or fictitious address in any application for any license provided for in this chapter, or any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application;
7. To employ as a master, technician or apprentice in mechanical work any person not licensed as provided in this chapter;
8. To perform any character of mechanical work for which a license is required by this chapter while such license is suspended, canceled or revoked.

110.3 City master. The HVAC Inspections Supervisor (Chief Mechanical Inspector) shall be the master of the City of San Antonio.

Section 110 is amended to read as follows:

Board of Appeals

~~110.1.1 added new paragraph to read as follows:~~

Composition

~~The mechanical board of appeals shall consist of 11 appointive members residing in the city. The appointive members will consist of one licensed mechanical contractor, two licensed mechanical technicians, one of whom shall represent the open shop segment of the industry and one of whom shall represent the union segment, two professional engineers, one commercial refrigeration contractor, one manufacturer's representative or distributor of refrigeration, heating or air conditioning equipment, one licensed architect, and three lay persons (consumer representatives). Limit of term of office not to exceed two years. Limit of three consecutive 2-year terms.~~

Add Section 110.1.2 Function to read as follows:

- ~~1. The mechanical board of appeals shall serve as an advisory board to the department of Development Services and to the city council on the administration of this code and may from time to time recommend amendments to this code.~~
- ~~2. Every appeal application to the board shall be accompanied by a filing fee as set forth in the fee schedule adopted by the city of San Antonio.~~
- ~~3. It shall be the duty of the mechanical board of appeals to review the qualifications of all applicants for certificate of licenses. Examinations shall be conducted at times approved by the board within not less than 60 days nor more than 90 days following the previous examination. The chief mechanical inspector shall issue certificates of licenses to applicants who satisfactorily pass the examination with a grade of not less than 70%. The mechanical board of appeals shall advise the director of Development Services department concerning the scope and content of the examination and make other recommendations pertaining to conduct thereof and procedures for licensing applicants.~~

Add Section 110.1.3 Ground for Removal of Members

- ~~1. Any member of the mechanical board of appeals found guilty of violation of the uniform mechanical code or who fails to perform his duties as a board member shall be removed by a 2/3 vote of the remaining board members. The city manager will be advised of the findings of the board for necessary action.~~
- ~~2. If a member's attendance at regularly scheduled meetings falls below 50% on an annual basis from the appointment date or a member misses three regularly scheduled consecutive meetings, the member will be asked to resign. Absences may be formally excused by the board.~~

Add Section 110.1.4 Member Not to Sit When Charges are Preferred

~~Where charges are preferred against a member of the mechanical board of appeals, such member shall not sit as a member of the board during the hearing of the case.~~

Add Section 110.1.5 Board Meetings

- ~~1. The board of appeals shall meet quarterly. The board may meet more often when the board deems it necessary. The board shall meet for special cases if specifically called by the chairman, the director of Development Services department, or four other board members, and the members shall be devoted to hearing charges, reviewing applications for licensing, or acting on appeals, interpretations and complaints received by the director or chief mechanical inspector, and any other business as may be brought before such board.~~

- ~~2. All charges, appeals, requests for interpretations and complaints shall be presented to the board by the chief mechanical inspector or his authorized representative on forms indicating the identity of the applicant or plaintiff, the section or sections of the code in question, and a clear statement of the plaintiff's request and his reasons for making said request.~~
- ~~3. All applications for certificates of license shall be presented to the board by the chief mechanical inspector or his authorized representative on forms with sufficient information to allow the board to make a proper evaluation of the applicant's qualifications.~~
- ~~4. All forms for presentation to the board shall be provided by the chief mechanical inspector. The specific make up of each form shall be determined by the chief mechanical inspector and approved by the board.~~

Add Section 110.1.6 Procedure at Meetings

~~The meeting of the mechanical board of appeals shall be conducted in conformity with Parliamentary Rules (Robert's Rules of Order), or any other rules under which the board members agree to abide unless otherwise specified in this chapter.~~

Add Section 110.1.7 Quorums and Majority Vote

- ~~1. Six member shall constitute a quorum.~~
- ~~2. The vote of a majority of the members present shall be necessary for the adoption of any matter, except as otherwise provided in this amendment. Each member of the mechanical board of appeals shall have one vote.~~

Add Section 110.1.8 Suspension and Revocation of License

- ~~1. The mechanical board of appeals shall have the power to suspend or revoke the certificate of license of any person who is found guilty of:
 - ~~a. the practice of any fraud or deceit in obtaining such license, or taking out mechanical permits in the name of some person not authorized by law to do mechanical work and thereafter permitting a person without a proper certificate of license to do the work, or~~
 - ~~b. any intentional violation of the uniform mechanical code in the performance of mechanical work performed within the city.~~~~
- ~~2. In determining such charges, the mechanical board of appeals shall proceed upon the sworn information furnished by any city inspector or resident of this city who~~

~~is of sound mind and legal age. Such board, whenever it deems the information sufficient to support further action on its part, shall cause a copy of the board's order and of the information to be served upon the accused by registered mail at least 15 days before the date appointed in the order for the hearing. The accused may appear in person or by counsel, or both, at the time and place named in the order and make his/her defense to the same. The city attorney shall provide counsel for the board. If the accused fails or refuses to appear, the board may proceed to hear and determine the charge in his absence. If the accused pleads guilty, or if upon a hearing of the charges by the board, by a vote of 6 or more of its members shall find them to be true, it may enter an order suspending or revoking the license of such contractor. (See Section 118.10)~~

- ~~3. When the board has completed such hearing, it shall cause a record of its findings and decision to be filed with the city clerk, and shall cause a certified copy thereof to be forwarded to the accused.~~
- ~~4. It shall be unlawful for any person whose rights under a certificate of license have been suspended or revoked by the board to engage in or do mechanical work.~~
- ~~5. If the board desires to revoke the party's certificate of license permanently, it shall so state, if not, it shall make provisions for reinstatement.~~
- ~~6. An affirmative vote of at least 2/3 of the board member present shall be required for suspension or revocation of license.~~

~~7.~~

~~Add Section 110.1.9 Appeals to the Board~~

~~The mechanical board of appeals shall require notice of appeals in writing stating grounds for appeal and other such matters indicating the relevant sections of the code. Any person may request an appeal or review before such board. Hearing for appeals shall be granted, and the applicant and the director or the chief mechanical inspector must be give reasonable notice of the time and place of appeal.~~

~~Add Section 110.1.10 Appeals from the Board's Action~~

~~Any action of the mechanical board of appeals may be appealed by written petition filed with such board and the city clerk within 7 days for a hearing before city council.~~

~~Section 113 Revised paragraph 113.1 to read as follows:~~

~~113.1 Application~~

~~To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the code enforcement agency for that purpose. This application~~

~~shall contain all the information necessary for the lawful enforcement of the provisions of this code. The permit application must be filed by a person or his authorized agent or persons authorized by state law. Persons holding a valid Texas air conditioning contractor's license may apply for permits to perform work authorized by such license as defined by the state law, provided they register their state license with the city of San Antonio. Every application shall:~~

- ~~1. identify and describe the work to be covered by the permit for which application is made;~~
- ~~2. describe the land on which the proposed work being done by legal description, street address or similar description that will readily definitely located the proposed building or work;~~
- ~~3. indicate the use or occupancy for which the proposed work is intended;~~
- ~~4. be accompanied by plans, diagrams, computations and specifications and other data as required in Section 113.2;~~
- ~~5. be signed by the applicant or an authorized agent of the applicant;~~
- ~~6. give such other data and information as may be required by the building official.~~

~~Revise Section 113.2 to read as follows:~~

~~113.2 Plans and Specification~~

~~Plans, engineering calculations, diagrams and other data shall be submitted in two sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by an architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.~~

~~Exception: The building official may waive the submission of plans, calculations or other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.~~

~~Add Section 113.3.1 Surety Bond to read as follows:~~

~~In addition to filing the permit application, any person engaged in the mechanical business shall have on file at the city clerk's office a properly executed surety bond in the amount of five thousand (\$5000) dollars issued and validated by a company duly authorized to do business in the state of Texas.~~

1. ~~This bond shall be conditioned for the faithful performance of all work entered upon or contracted for, and in strict accordance and compliance with the terms, requirements and provisions of this code; and further conditioned that the contractor shall, without additional cost to the person, firm or corporation for which such contract work is done, correct any defect due to faulty workmanship, materials or non-compliance with the provisions of this code. Such corrections shall be accomplished within 72 hours after receipt of notification by the mechanical inspector.~~
2. ~~The surety bond company shall include a provision in the surety bond for notification of surety cancellation or reduction in the amount of surety. Such notification shall be given in writing to the city clerk and shall become effective at 12:00 P.M. after five consecutive working days and receipt by the city clerk of such notification of cancellation or reduction in the amount of the surety bond. No permit shall be issued to the principal (contractor) until such time as the surety bond has been revalidated to the amount stated above.~~
3. ~~All surety bonds shall terminate on the 31st day of December.~~

~~Change Section 115 to read as follows:~~

~~115 Fees:~~

~~The fee for each permit shall be as set forth in the schedule adopted by the city of San Antonio.~~

~~Section 116.6.1 amended to read as follows:~~

~~116.6.1 How Obtained:~~

~~To obtain reinspection, the applicant shall make a request to the building official and pay the reinspection fee in accordance with the fee schedule adopted by the jurisdiction.~~

~~When reinspection fees have been assessed, release of utilities shall not occur until the required fees have been paid.~~

~~Add Section 118 — Licenses to read as follows:~~

~~118.1 Any person performing any type of mechanical work in the city of San Antonio shall have in his possession a valid and authenticated mechanical license issued by the director of Development Services department of the city of San Antonio, Texas or a valid mechanical license issued by the state of Texas, except as otherwise provided under Section 118 federal or state law.~~

118.2

~~A licensed contractor must maintain a bona fide company address and telephone to enable city inspectors to contact the contractor in case of a job discrepancy.~~

~~Any person holding any type of valid license to do mechanical work in the city of San Antonio at the time of adoption of this code shall be deemed qualified to hold the same type of license under this code, except that this section shall not exempt him from any examination and prescribed experience.~~

~~118.3 A San Antonio mechanical license may be issued to any person who meets the prerequisites listed below, successfully completes the San Antonio mechanical examination and has paid the required license fee.~~

~~118.4 An applicant applying for a mechanical license shall complete the application form obtained at the Development Services department. The application form shall be accompanied by the license fee corresponding to the type of license requested, as set forth in the fee schedule adopted by the city of San Antonio.~~

~~The following prerequisites must be met in addition to those listed above:~~

LICENSE	EXPERIENCE
Master	5 years*
Technician	3 years as an apprentice or equivalent documented experience**
Apprentice	None

~~Experience is defined as work performed in the installation and maintenance of heating, ventilating, cooling and refrigeration systems and equipment.~~

~~Technician experience is experience documented as licensed apprentice work or equivalent to apprentice work.~~

~~The apprentice license does not require experience. The board requires that the beginning worker obtain the apprentice license to establish the experience record.~~

~~The board may consider equivalent work experience, supported by documentary evidence or verifiable hardship cases in assessing the amount of credit allowable to meet the requirements of this code.~~

~~*Documentation substantiating that for a minimum of two of the five years' experience, the applicant has held a city technician license; state air conditioning and refrigeration contractor's license or worked under a holder of a state air conditioning and refrigeration contractor's license.~~

~~**A total of six months may be credited to experience required to obtain a technician license when the applicant can submit proof of satisfactory completion of a heating and air conditioning course from any school acceptable by the city of San Antonio. A total of three years may be credited for a bachelor degree in engineering presented by any college or accredited university.~~

~~Any person applying for a master mechanical license shall present a certificate of insurance issued by an insurance company authorized to do business in the state of Texas, certifying that the applicant is insured to the limits of at \$100,000 public liability insurance per occurrence and \$100,000 property damage liability insurance per occurrence.~~

~~Any person applying for a master or technician mechanical license shall pass a written examination to be administered at times and places and by persons specified by the building official. Such examination shall be offered at intervals of not greater than once each quarter. (See Section 110.1.2 Item 3) Examination fees must be paid prior to taking the examination, in the amounts set forth by the fee schedule adopted by the city of San Antonio.~~

~~ALL LICENSES SHALL EXPIRE ON DECEMBER 31 OF EACH YEAR.~~

~~Section 118.5 Applicant Failing the Examination~~

~~If an applicant for a mechanical license fails to pass the required examination, he shall not be eligible for re-examination for a period of 90 days.~~

~~Section 118.6 Homestead Permit~~

~~A person who is not a licensed mechanical contractor may perform mechanical work with his own hands within a dwelling premises owned by him, provided such person has filed with the building official an affidavit that the location where such work is to be done is his homestead. Such affidavit shall be made under such circumstances as to support conviction of the applicant for false swearing if such affidavit is false. Before performing such work, he shall obtain from the building official a permit to do such work, and shall pay the permit fee, which is otherwise required. Any person who allows anyone other than a licensee under the provisions of this code to perform any mechanical work under such permit, shall be in violation of this code. Homestead permit does not apply to new residential buildings.~~

~~Section 118.7 Duplicate Licenses.~~

~~Any person whose license was destroyed or lost may obtain a duplicate license upon payment of the fee set forth in the fee schedule adopted by the city of San Antonio.~~

~~Section 118.8 Change of Address~~

~~Any person holding a mechanical license shall report to the Development Services department any change of address in order to allow the Development Services department to maintain accurate license renewal records.~~

~~Section 118.9 License Renewal~~

~~Licenses shall be renewed prior to expiration date. Each person holding a valid mechanical license shall renew same in sufficient time to have the license renewal form returned to the Development Services department with the appropriate renewal fee prior to license expiration date. Any person who does not renew his license prior to expiration date must appear before the mechanical board of appeals and show cause why his license should be renewed without taking the required license examination. In the event that a person does not renew his license after one year from date of expiration, he shall be required to take an examination as per a new license, and pay the full fee.~~

~~Section 118.10 Suspension of License~~

~~The mechanical board of appeals may suspend any mechanical license for a period of not more than one year, after determining at a proper hearing (See Section 110.1.8) before the mechanical board of appeals that the licensee has done any of the following:~~

- ~~1. permitted an unlawful or fraudulent use of such license;~~
- ~~2. committed an offense in another state, county or city which, if committed in this city would be grounds for suspension or revocation;~~
- ~~3. is an habitual violator of this chapter (habitual shall mean three or more separate violations);~~
- ~~4. performed mechanical work that is in violation of this chapter and then failed or refused to make corrections necessary for the work to conform to this chapter;~~
- ~~5. performed any mechanical work that is in violation of this chapter, and such work is found to be the cause or a contributing cause of a fire, whether or not there is any actual damage or loss.~~

~~Section 118.1 Certain Acts Prohibited~~

~~In addition to other provisions of this code, it shall be unlawful for any person to do any of the following acts:~~

- ~~1. to display, cause or permit to be displayed or to have in one's possession any instrument purporting to be licensed for the doing of any mechanical work, knowing such instrument to be fictitious or to have been canceled, revoked suspended or altered;~~
- ~~2. to lend or knowingly permit the use of any license for the doing of any mechanical work to any person not entitled thereto, under the provisions of this chapter;~~
- ~~3. to display or represent as one's own a license for the doing of any mechanical work when such license has not been lawfully issued to the person so displaying the same;~~
- ~~4. to fail or refuse to surrender to the building official on demand any license for the doing of any mechanical work which has been suspended, canceled or revoked as provided by law;~~
- ~~5. to apply for or have in one's possession more than one current license of the same type provided for in this chapter;~~
- ~~6. to use a false or fictitious name or give a false or fictitious address in any application for any license provided for in this chapter, or any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application;~~
- ~~7. to employ as a master, technician or apprentice in mechanical work any person not licensed as provided in this chapter;~~
- ~~8. to perform any character of mechanical work for which a license is required by this chapter while such license is suspended, canceled or revoked.~~

~~Section 118.12 Vehicle Identification~~

~~All mechanical contractors holding a master's license from the city of San Antonio shall display on both sides of any vehicles being used for or in connection with mechanical installation or service work, a sign depicting the identity of the person, firm or corporation performing the work and the mechanical master's license number issued by the city of San Antonio. The sign shall have the numbers not less than 3" high.~~

~~Section 118.13 Right of Appeal~~

~~Any person denied a license or whose license has been suspended or revoked by the mechanical board of appeals shall have the right to appeal such order or action within 7 days to city council by filing a written notice of appeal with the city clerk.~~

~~Section 118.14 The chief mechanical inspector shall be the master of the city of San Antonio.~~

Section 202 of the International Mechanical Code is amended by adding two definitions as follows:

MECHANICAL MASTER. Is any person licensed as a mechanical master in compliance with the pre-requisites of this code who holds himself out to the public as being qualified to do the kind of mechanical work or to contract for the doing of the kind of mechanical work by himself or by the employment of mechanical technicians or mechanical apprentices which his license authorizes him to do.

MECHANICAL TECHNICIAN. Is any person licensed as a mechanical technician, in compliance with the requirements of this code, who works for and under the general supervision and direction of a mechanical master, doing mechanical work contracted for by mechanical master, and who does not hold himself out to the public as being qualified to contract for the doing of mechanical work.

Add Section 215. Definitions, to read as follows:

~~Mechanical master is any person licensed as a mechanical master in compliance with the pre-requisites of this code who holds himself out to the public as being qualified to do the kind of mechanical work or to contract for the doing of the kind of mechanical work by himself or by the employment of mechanical technicians or mechanical apprentices which his license authorizes him to do.~~

~~Mechanical technician is any person licensed as a mechanical technician, in compliance with the requirements of this code, who works for and under the general supervision and direction of a mechanical master, doing mechanical work contracted for by mechanical master, and who does not hold himself out to the public as being qualified to contract for the doing of mechanical work.~~

~~Mechanical apprentice is any person who is learning the trade of mechanical apprentice and who works only under the direct supervision of a mechanical master or technician and who is licensed as an apprentice as provided by this code.~~

Section 301.7 Electrical and Section 301.8 Plumbing connections of the International Mechanical Code are amended to read as follows:

301.7 Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with Chapter 10, Electricity, of the City Code the ICC Electrical Code. Wiring, exposed to weather, shall be installed in conduit approved for exterior use.

301.8 Plumbing connections. Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with Chapter 10, Plumbing, of the City Code the International Plumbing Code.

Section 302 PROTECTION OF STRUCTURE of the International Mechanical Code is amended by adding *Section 302.6* as follows:

302.6 Supports and Anchorage. Every condensing unit, compressor, evaporative cooler or roof top unit located on a roof shall rest on a manufacturer's standard perimeter support, self flashing roof curb or 4 x 4 treated wood skids as a minimum.

Section 304 INSTALLATION of the International Mechanical Code is amended by adding *Section 304.12* as follows:

304.12 Installation at gas valve. Black Iron Pipe shall be installed at the gas valve and extended a minimum of two inches outside the gas furnace and gas rooftop unit's casing and shall be connected to an approved listed flexible gas connector.

Note: See also section G2408.6 of the International Residential Code.

Section 305.0 is amended by adding the following three subsections:

Warm air furnaces shall not be installed in:

- ~~1. a closet or alcove less than six inches wider than the furnace or furnaces installed therein with minimum clear working space less than three inches along the sides, back and top of the furnace;~~
- ~~2. fuel burning or electric furnaces shall not be installed under any stairway or landing.~~
- ~~3. In addition to the above, space in which any fossil fuel fired attic furnace is installed shall be provided with a permanent ladder or fold away ladder.~~

Section 305.1 Last sentence is amended by adding the following:

- ~~1.1 Is large enough to remove the largest piece of equipment but not less than 30 inches (762 mm) high and 30 inches (762 mm) wide,~~
- ~~1.2 Is no more than 20 feet (6096 mm) in length when measured along the center line of the passageway from the access opening to the equipment, and~~
- ~~1.3 Has continuous solid flooring not less than 24 inches (610 mm) wide throughout its length; and~~

- ~~2. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide located at the front or service side of the equipment.~~

~~Exception: The passageway and level service space may be omitted if the equipment can be serviced and removed through the access opening.~~

Section 306.1.1 Central furnaces of the International Mechanical Code is amended by adding Subsection 306.1.1.1:

306.1.1.1 Warm air furnaces.

Fuel burning or electric furnaces shall not be installed under any stairway or landing.

Exception: A heat pump system without heat strips may be installed under stairs or landing.

In addition, space in which any fossil fuel fired attic furnace is installed shall be provided with a permanent ladder or fold-away ladder.

Section 307.2.2 Drain pipe materials and sizes of the International Mechanical Code is amended by adding condensate waste pipe sizes as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, cooper, cross-linked polyethylene, polybutylene, polyethylene, ABS, CPVC, or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Condensate waste and drain line size shall be not less than ¾-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Primary drain lines located above a ceiling shall be insulated with foam plastic rubber based insulation or other approved material with a minimum thickness of 3/8 inch. **Exception:** Drain lines may be located in crawl spaces.

Where drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with equipment capacity as follows: an approved method

<u>¾-inch (19 mm)</u>	<u>Up to 20 tons</u>
<u>1-inch (25 mm)</u>	<u>21 to 40 tons</u>
<u>1 ¼-inches (32 mm)</u>	<u>41 to 90 tons</u>
<u>1 ½-inches (38 mm)</u>	<u>91 to 125 tons</u>
<u>2-inches (50 mm)</u>	<u>126 to 250 tons</u>

All horizontal sections of drain piping shall be installed in uniform alignment at a uniform slope.

Note: See also section M1411.3.2 Drain pipe materials and sizes of the International Residential Code.

Section 307.2.3 Auxiliary and secondary drain systems of the International Mechanical Code is amended by deleting method number 4.

Note: See also section M1411.3.1 Auxiliary and secondary drain systems of the International Residential Code.

Section 309.0 After the last sentence, add:

~~Such wiring, exposed to weather, shall be installed in conduit approved for exterior use~~

Section 602.1 is amended by adding the following exception:

~~Exception: Corridors may be used to convey air to areas such as toilet rooms, bathroom, shower rooms, sink closets and similar auxiliary spaces opening directly on the corridor provided such spaces have a mechanical exhaust system and the integrity of any required rated corridor is not breached.~~

Section 904.10.2.1 Delete the words "gas utilization" and add the word "all"

Section 904.10.3.1 Delete the words "gas utilization" and add the word "all"

Section 904.10.3.3 is amended by adding the following:

~~1. Ladders shall:~~

- ~~1.1 Not be less than 14 inches (356 mm) wide,~~
- ~~1.2 Have a rung spacing not more than 14 inches (356 mm) on center,~~
- ~~1.3 Have a toe space at least 6 inches (152 mm) deep,~~
- ~~1.4 Provide intermediate landings not more than 18 feet (5486 mm) apart, and~~
- ~~1.5 Have side railings which extend at least 30 inches (762 mm) above the scuttle opening or coping to the step off.~~

~~2. Catwalks shall:~~

- ~~2.1 Not be less than 24 inches (610 mm) wide and~~
- ~~2.2 Have railings as required for service platforms.~~

~~Permanent ladders and catwalks shall be fixed to the structure as required by the Building Code. Stairways providing the required access shall comply with the Building Code.~~

~~Section 1106.0 General Requirements add Section 1106.2.1 to read as follows:~~

~~1106.2.1 Supports and Anchorage~~

~~Every condensing unit, compressor, evaporative cooler or roof top unit located on a roof shall rest on a manufacturer's standard perimeter support, self flashing roof curb or 4 X 4 treated wood skids.~~

~~Section 1106.10 is amended by adding the following:~~

~~Primary drain lines located above ceiling shall be insulated with foamed plastic, rubber based insulation or other approved material with a minimum thickness of 3/8" except that drain lines located under floor in crawl space are not required to be insulated.~~

~~Exception: A float switch which interrupts the unit operation prior to condensate overflow may be provided in:~~

- ~~a. an accessible primary drain pan in lieu of the auxiliary drain pan or standing overflow;~~
- ~~b. a secondary drain pan in lieu of the secondary drain line.~~

~~Chapters 13, 14, and 16 of the 2003 Uniform Mechanical Code are hereby deleted.~~

~~Section G2406.2 (303.3) Prohibited locations of the International Residential Code is amended by deleting items 3 and 4.~~

SECTION 3. *Section 6-68 Penalties*, of the City Code of San Antonio is added to provide penalties for violations of the 2006 International Mechanical Code as adopted in Article V, Mechanical Code of Chapter 6, and former section 6-68 is renumbered as 6-69: The changes are identified by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 6-68. Penalties.

A violation of any adopted provisions of Article V of this chapter shall be a Class C misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

Secs. 6-69 - 6-68 6-80. Reserved.

SECTION 4. All previous provisions of the 2003 Uniform Mechanical Code as previously adopted by the City of San Antonio, Texas shall remain in full force and effect during the period for which they were enacted. Three (3) copies of the 2006 International Mechanical Code with local amendments have been filed in the office of the city clerk for permanent record and inspection pursuant to section 17 of the City Charter.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. All other provisions of Chapter 6, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

SECTION 7. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 8. There is no financial impact as a result of the passage of this Ordinance.

SECTION 9. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

SECTION 10. This Ordinance shall become effective on the 10th day of September, 2006.

PASSED AND APPROVED this 31st day of August, 2006.



M A Y O R

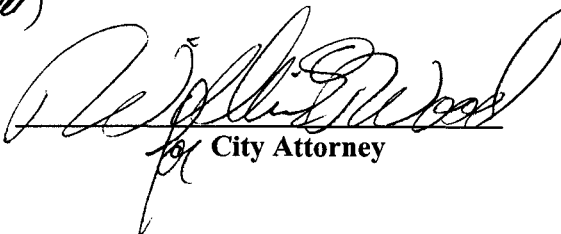
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney